

LEONID P. KRIVOLENKOV  
Plaintiff, Pro se  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

Portland Division

LEONID P. KRIVOLENKOV	)	<b>Case No. 3:25-cv-00702-AR</b>
	)	
Plaintiff,	)	<b>PLAINTIFF'S REPLY TO</b>
v.	)	<b>DEFENDANT'S COUNTERCLAIM</b>
	)	<b>AND MOTION TO DISMISS</b>
ROXSEE HUFF, et al.	)	
	)	
Defendant.	)	

**BACKGROUND**

1. On April 28, 2025, Plaintiff filed a complaint (ECF 1) ("the Complaint") against the named defendants in the above case.

2. On June 20, 2025, the Defendants filed an answer to the complaint (ECF 11) and alleged a counterclaim against the Plaintiff.

3. On June 30, 2025, Plaintiff conferred via telephone with Kimberly Stuart, Attorney for Defendants and raised the following issues:

a. the parties should be responsible for their own fees unless they are the prevailing party.

b. the form and/or format of the filed counterclaim is not proper.

4. The Plaintiff made a good faith effort to resolve the issues, by making an offer for Defendants to withdraw the counterclaim. Defendants declined the offer to withdraw the counterclaim. The parties are still in disagreement on the issues. Therefore, the Court's intervention to provide clarification is necessary.

**REPLY TO COUNTERCLAIM (L27):**

5. The Plaintiff believes that Defendants genuinely misunderstood the issues that Plaintiff has raised. Plaintiff does not state that the opposing party may not request attorney fees and costs under 42 U.S. Code § 1988 but rather conveys that the parties would only be entitled to such relief if they are the prevailing party. However, a request for such relief must be filed in accordance with the court rules.

6. The award of the attorney's fees and cost are ultimately under the Court's discretion.

7. In the follow-up email Plaintiff informed the Defendants that he draws his conclusion based on LR 10 and Fed. R. Civ. P. 10, as has been explained by the court's instructions. "Counterclaims should be written using the same format and rules as a complaint. *See* Chapter 4. If you file your counterclaim at the same time you file your answer, you can include the answer and counterclaim on the same or separate documents. If combined in one document, the title should read "ANSWER AND COUNTERCLAIM." *See Handbook for Self-Represented Parties.*

8. Furthermore, defendants misunderstood Plaintiff's position on filling an Amended Answer. Defendants can amend their answer anytime within 21 days after it is served on the plaintiff without the need for permission from the Court or from the plaintiff. *See* Fed. R. Civ. 15(a)(1).

### CONCLUSION

9. The Plaintiff is submitting this filing in good faith and to the best of his understanding of the court's procedure and rules requiring him to "reply" to the counterclaim. "Although Rule 11 applies to *pro se* plaintiffs, the court must take into account a plaintiff's *pro se* status when it determines whether the filing was reasonable." *Warren v. Guelker*, 29 F.3d 1386, 1390 (9th Cir. 1994) (quoting *Harris v. Heinrich*, 919 F.2d 1515, 1516 (11th Cir. 1990))." *See Grange v. Collateral Recovery LLC* 3:21-cv-00237-YY (D. Or. Jul. 26, 2021) (9th Cir.).

10. The disputed issues here are not as such that they would prevent the parties from moving the case forward, and thus this filing is not being presented for any improper purpose such as to unnecessary delay, harass or needlessly increase the cost of litigation.

### MOTION

10. Therefore, for the reasons stated above, Leonid P. Krivolenkov, Plaintiff moves this Court to grant Plaintiff's motion and dismiss the counterclaim and/or issue an appropriate order to remedy the dispute.

### CERTIFICATION

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

DATED on this 8<sup>th</sup> day of July, 2025.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Leonid P. Krivolenkov', is written over a horizontal line.

Leonid P. Krivolenkov  
Plaintiff, Pro se

## CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2025, I served the foregoing:

### PLAINTIFF'S REPLY TO DEFENDANT'S COUNTERCLAIM AND MOTION TO DISMISS

To: Kimberly A. Stuart, OSB No. 054685  
Senior Assistant County Counsel  
kimberly\_stuart@washingtoncountyor.gov  
Office of Washington County Counsel  
155 N First Avenue, Suite 250, MS 24  
Hillsboro, OR 97124  
Phone (503) 846-8747  
Fax (503) 846-8636  
Attorney for Defendants

By the following method as indicated:

**X** by **mailing** to said person(s) a true copy thereof, said copy placed in a sealed envelope, postage paid and addressed to said person(s) at the last known address for said person(s) as shown above, and deposited in the post office at Portland, Oregon, on the date set forth above.

DATED on this 8<sup>th</sup> day of July, 2025.

Respectfully submitted,



Leonid P. Krivolenkov  
Plaintiff, by Pro se

*For the eyes of the Lord are on the righteous,  
And His ears are open to their prayers;  
But the face of the Lord is against those who do evil.*  
1 Peter 3:12 NKJV